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Application No. 03 255 883.5 - 2310	Ref. SJB/P211002	Date 08.11.2004
Applicant Cordis Neurovascular, Inc.		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



SKOROV S
Primary Examiner
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)
EP-A-1374801



The examination is being carried out on the **following application documents**:

Description, Pages

1-11 as originally filed

Claims, Numbers

1-15 as originally filed

Drawings, Sheets

1/10-10/10 as originally filed

1. The following document (D) was found in a search of the state of the art in accordance with Article 54(3) EPC. A copy of the document is annexed to the communication and the numbering will be adhered to in the rest of the procedure:

D1: EP-A-1374801

2. The application comprises 4 independent apparatus claims (claims 1, 10, 14 and 15). Although these claims have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection. Hence, the above claims are not allowable since they do not meet the requirements of Article 84 EPC.
In order to overcome this objection, it would appear appropriate to file an amended set of claims defining the relevant subject-matter in terms of a single independent apparatus claim followed by dependent claims (Rules 29(2) to (4) EPC).



3. Document D1 published on 02.01.2004 claims the priority date of 24.06.2002. Its content as filed is therefore considered as comprised in the state of the art relevant to the question of novelty, pursuant to Article 54(3) and (4) EPC.
Document D1 (see claim 16) discloses a stent delivery system comprising: an elongated core member; a plurality of cylindrical members placed about the core member and spaced apart to form a plurality of gaps; an expandable stent having plurality of anchor members; and a deployment catheter, whereby said anchor members interlock within said gaps.
All the features of claims 15 are therefore anticipated by document D1 (see passage cited above). Hence, the subject-matter of the broadest independent claim - claim 15 does not meet the requirement of novelty (Art.54(3) and (4) EPC).
4. Independent claims 1, 10 and 14 include all the features of claim 15. Therefore, claims 1, 10 and 14 are considered to be dependent on claim 15.
5. All the additional features of claims 1-14 are also known from document D1 (see whole document).
Hence, the subject-matter of the above does not meet the requirement of novelty (Art.54(3) and (4) EPC).
6. It is not at present apparent which part of the application could serve as a basis for new, allowable claim 1.
7. If the applicant is nevertheless of opinion that there is patentable matter contained in the application, a fresh set of claims overcoming the above objections should be filed.
8. Reference signs should be used throughout the claims (Rule 29(7) EPC).
9. Any new claim 1 will have to be worded in the two-part form incorporating in its pre-characterising portion the features disclosed in the closest prior art Do (Rule 29(1)).
10. In order to be able to assess the question of inventive step, the applicant is asked to indicate in the response which technical problem is solved by the characterising features of the claim 1 compared to the closest prior art (Rule 27(1)(c) EPC).
11. The description will have to be brought into line with the new claims (Rule 27(1)(c)

**Bescheid/Protokoll (Anlage)**

Datum
Date 08.11.2004
Date

Communication/Minutes (Annex)

Blatt
Sheet 3
Feuille

Notification/Procès-verbal (Annexe)

Anmelde-Nr.:
Application No.: 03 255 883.5
Demande n°:

EPC).

12. The closest prior art (D1) should be indicated in the description (Rule 27(1)(b) EPC).
13. As regards the features contained in the new claims, the applicant is asked to indicate in the response on which passages of original application they are based.
14. The applicant is asked to take into account all of the objections set out above.